

05.01.2026

Present: Sh. J.V Rana, Ld. Counsel for Plaintiff.
Sh. Alok Dev, Ld. Counsel for defendant no.1.
Sh. Adamaya Pal Singh, Ld. Counsel for proposed defendants no. 2 to 6 and filed fresh vakalatnamas. Same are taken on record.
Ms. Vasu Singh, Ld. Counsel for D-2/tehsildar.

Ld. Counsel for D-2 submitted that in the application u/o 6 rule 17 CPC as well as amended plaint D-2 is not impleaded. Ld. Counsel for plaintiff submitted that D-2 be deleted from array of party as plaintiff does not want to prosecute the claim against D-2/Tehsildar.

Considering submission, D-2 is directed to be deleted from the array of the parties.

Reply to application u/o 6 rule 17 CPC and application u/o 39 rule 1 and 2 CPC not filed by the opposite parties till date.

Ld. Counsel for proposed defendants submitted that copy of original plaint, original documents filed by plaintiff was not supplied to him.

Ld. Counsel for plaintiff is directed to supply original plaint, original documents as well as all documents annexed with the application u/o 7 rule 14 CPC to proposed defendants before NDOH.

Ld. Counsel for defendant no.1 submitted that property falling in Khasra No. 37/24/2 (3-12) is not owned by Hari Singh thus he is not the owner of property falling in above khasra number. Per contra Ld. Counsel for plaintiff submitted that property falling in above Khasra no. is owned by Hari Singh and he is the owner of the same.

Ld. Counsel for defendant no. 1 submitted that D-1 possess the 60 bigha of land and vide three separate sale deeds he had sold the property to respective purchasers in respect of (53-19). Copies of three sale deeds placed on record. Copies of same are supplied to Ld. Counsel for plaintiff.

Ld. Counsel for plaintiff prays for interim protection and pressed for adjudication of application u/o 39 rule 1 and 2 CPC.

Submissions on amended application u/o 39 rule 1 and 2 CPC heard.

Perusal of above sale deeds placed on record shows that above suit property was sold during pendency of suit. Above sale deeds show that one of the sale deed was executed on 23.10.2024 and vide above sale deed defendant no. 1 had sold the property to Varun Chhikara, Arun Chhikara and Tarun Chhikara comprising land measuring 28 bighas comprised in Khasra number mentioned in the sale deed.

Perusal of another sale deed dated 22.04.2025 shows that vide above sale deed defendant no. 1 had sold the property to Deepak and Gaurav Chhikara comprising land measuring 23 bighas 8 biswa comprised in Khasra number mentioned in the sale deed.

Perusal of another sale deed dated 22.04.2025 shows that vide above sale deed defendant no. 1 had sold the property to Varun Chhikara, Arun Chhikara and Tarun Chhikara comprising land measuring 2 bighas 11 biswa comprised in Khasra number mentioned in the sale deed.

Ld. Counsel for defendants submitted the above proposed defendants are grandsons of defendant no. 1.

Ld. Counsel for plaintiff submitted that above sale was collusive sale to defeat the claim of plaintiff. Counsel for plaintiff further submitted that defendant no. 1 had sold the property with fraudulent intention to defeat the claim of plaintiff and even did not apprise the court regarding sale of property immediately despite the fact that suit was pending. Counsel for plaintiff further submitted that if suit property is not preserved and defendants are not restrained from creating third party interest then plaintiff would suffer serious prejudice.

Perusal of record shows that instant suit was filed on

15.04.2023. Material on record as well as above submissions of both sides shows that defendant no. 1 had sold the suit property while suit was pending before the court, however, defendant did not apprise the court regarding sale of property immediately after sale. Above factum of sale came to the notice of the court while hearing application u/o 39 rule 1 and 2 CPC on last date of hearing. Even on last date of hearing, complete facts were not disclosed on behalf of defendants that suit property was sold vide three separate sale deeds. On last date of hearing only one sale deed was placed on record. The conduct of defendant is not appreciable considering the fact that despite selling the property during pendency of suit he did not apprise the court regarding the sale. Perusal of file shows that in the present case, issues were framed on 07.05.2025 and even on that day defendant had not disclosed that he had sold the suit property.

Court is of the view that suit property is required to be preserved till disposal of suit to avoid complications and multiplicity of proceedings particularly keeping in view the conduct of defendant that he had sold the property previously and even did not apprise the court regarding the sale. Court is of the view that the serious prejudice may be caused to plaintiff if suit property is not preserved.

In the case in hand, plaintiff has alleged that defendant no.1 has clandestinely mutated the property in his name in the revenue record. Defendant has refuted the claim of plaintiff. However, the pertinent matter of fact is that irrespective of claim and counter claim of both the parties, defendant has alienated the suit property during pendency of the suit and above fact may cause serious prejudice to plaintiff qua her claim.

Hence, considering the material on record and keeping in view the totality of facts and circumstance, court is of the view that interest of justice will be served if suit property is preserved till disposal of suit.

In view of above discussion and in the interest of justice

and to avoid complication and multiplicity of proceedings, and particularly to keep the suit property preserved till disposal of the suit, all the defendants including proposed defendants as well as their legal heirs, attorney, assignee are directed not to create any third party right, interest or title in the suit property by any mode of transfer/conveyance including by way of sale or transfer of possession or alienation of suit property or by any other mode of alienation till further order.

Matter be listed for reply on application u/o 6 rule 17 CPC as well as arguments on pending application for 20.07.2026.

(RAKESH KUMAR V)
DJ-04/North-West
Rohini Courts/Delhi
05.01.2026